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MADRID AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS

Effects of International Registrations in Croatia, in Slovenia and in Ukraine

enia (on June 12, 1992), Croatia (on July 28, 1992)
ne (on September 21, 1992) have deposited declar-
continuation the effect of which is that the Madrid
it Concerning the International Registration of
plied by those three countries.

September 29, 1992, the Assembly of the Madrid
pted, with effect on October 1, 1992, a new Rule 38
ulations under the Madrid Agreement. The text of
38 is attached hereto.

uant to the deposit of those declarations of continu-
to the decision of the Assembly, the international
ns specified in paragraph 4, below, (hereinafter
o as "the international registrations concerned")
effect in Croatia, in Slovenia and in Ukraine subject
ditions described in paragraphs 5 and 6, below.

international registrations concerned are the

as far as Croatia is concerned: those international
registrations which have a territorial extension to
Yugoslavia effective from a date prior to
December 1, 1992;

as far as Slovenia is concerned: those international
registrations which have a territorial extension to
Yugoslavia effective from a date prior to
December 1, 1992;

as far as Ukraine is concerned: those international
registrations which have a territorial extension to
the Soviet Union effective from a date prior to

(ii) the payment to the International Bureau of a fee,
the amount of which is 62 Swiss francs per interna-
tional registration and per country (for example, the
holder of two international registrations concerned
who files requests for those two registrations in
respect of each of the three countries will have to
pay fees in a total amount of $(2 \times 3 \times 62 =) 372$ Swiss
francs).

6. The owner of each and every international registration
concerned, or his representative (if the owner has a represen-
tative whose name appears in the International Register), will,
by the end of 1992, receive a written notice from the Interna-
tional Bureau calling his attention to the fact that he can, by fil-
ing a written request, continue to enjoy the effect of his inter-
national registration in Croatia, Slovenia or Ukraine. The
notice will, in particular, specify the modes of payment of the
fee. The request must contain the identification of the interna-
tional registration concerned by its international registration
number. A form (in French) will be attached to the notice and
may be used. The request must be in English or French, and
may be sent by fax or telex. The request and the corresponding
payment must reach the International Bureau before the
expiration of six months from the date of the notice sent by the
International Bureau; if either the request or the fee is
received later, the request will be refused. Requests and pay-
ments may be made without waiting for the notice from the
International Bureau.

7. If the conditions described in paragraphs 5 and 6, above,
are fulfilled, the international registration concerned will, with
respect to Croatia, to Slovenia or to Ukraine, as the case may
be, have effect as from the effective date of the territorial
extension to Yugoslavia or to the Soviet Union, respectively,
and benefit from any priority validly claimed in regard to such
extension.

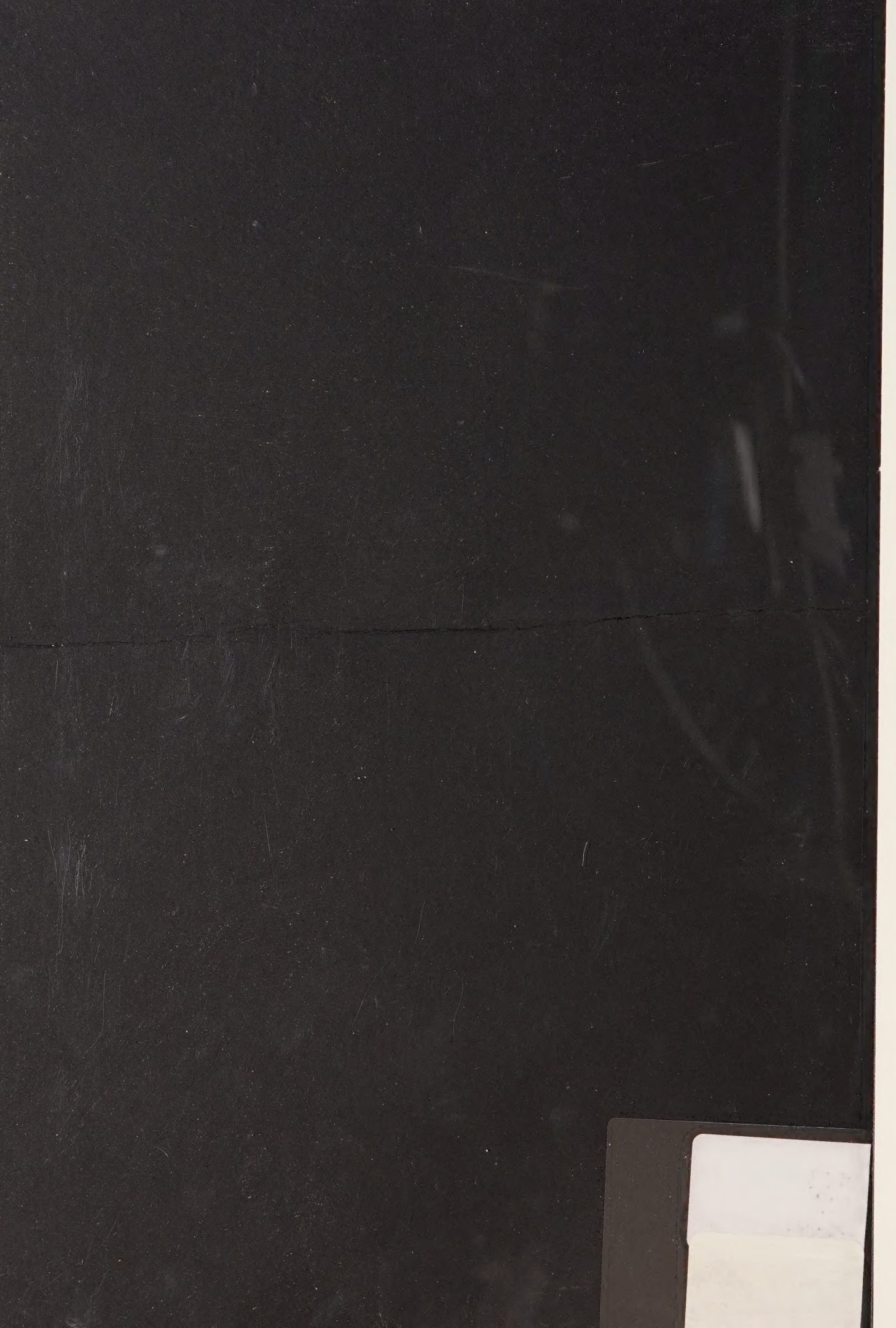
8. For each international registration which has no territor-
ial extension to Yugoslavia or the Soviet Union, as the case
may be, or whose international registration date is later than
the date indicated in paragraph 4(i), 4(ii) or 4(iii), as the case
may be, protection in Croatia, in Slovenia and in Ukraine can

paragraph 3, above, are the

onal Bureau of a request;

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MADRID AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS

Effects of International Registrations in Croatia, in Slovenia and in Ukraine

1. Slovenia (on June 12, 1992), Croatia (on July 28, 1992) and Ukraine (on September 21, 1992) have deposited declarations of continuation the effect of which is that the Madrid Agreement Concerning the International Registration of Marks is applied by those three countries.

2. On September 29, 1992, the Assembly of the Madrid Union adopted, with effect on October 1, 1992, a new Rule 38 of the Regulations under the Madrid Agreement. The text of new Rule 38 is attached hereto.

3. Pursuant to the deposit of those declarations of continuation and to the decision of the Assembly, the international registrations specified in paragraph 4, below, (hereinafter referred to as "the international registrations concerned") may have effect in Croatia, in Slovenia and in Ukraine subject to the conditions described in paragraphs 5 and 6, below.

4. The international registrations concerned are the following:

- (i) as far as Croatia is concerned: those international registrations which have a territorial extension to Yugoslavia effective from a date prior to December 1, 1992;
- (ii) as far as Slovenia is concerned: those international registrations which have a territorial extension to Yugoslavia effective from a date prior to December 1, 1992;
- (iii) as far as Ukraine is concerned: those international registrations which have a territorial extension to the Soviet Union effective from a date prior to December 25, 1991.

5. The conditions referred to in paragraph 3, above, are the following:

- (i) the filing with the International Bureau of a request;

- (ii) the payment to the International Bureau of a fee, the amount of which is 62 Swiss francs per international registration and per country (for example, the holder of two international registrations concerned who files requests for those two registrations in respect of each of the three countries will have to pay fees in a total amount of $(2 \times 3 \times 62 =) 372$ Swiss francs).

6. The owner of each and every international registration concerned, or his representative (if the owner has a representative whose name appears in the International Register), will, by the end of 1992, receive a written notice from the International Bureau calling his attention to the fact that he can, by filing a written request, continue to enjoy the effect of his international registration in Croatia, Slovenia or Ukraine. The notice will, in particular, specify the modes of payment of the fee. The request must contain the identification of the international registration concerned by its international registration number. A form (in French) will be attached to the notice and may be used. The request must be in English or French, and may be sent by fax or telex. The request and the corresponding payment must reach the International Bureau before the expiration of six months from the date of the notice sent by the International Bureau; if either the request or the fee is received later, the request will be refused. Requests and payments may be made without waiting for the notice from the International Bureau.

7. If the conditions described in paragraphs 5 and 6, above, are fulfilled, the international registration concerned will, with respect to Croatia, to Slovenia or to Ukraine, as the case may be, have effect as from the effective date of the territorial extension to Yugoslavia or to the Soviet Union, respectively, and benefit from any priority validly claimed in regard to such extension.

8. For each international registration which has no territorial extension to Yugoslavia or the Soviet Union, as the case may be, or whose international registration date is later than the date indicated in paragraph 4(i), 4(ii) or 4(iii), as the case may be, protection in Croatia, in Slovenia and in Ukraine can

only be obtained by filing, through the intermediary of the national office of the country of the owner, a request for territorial extension under Rule 20 of the Regulations under the Madrid Agreement. It is to be noted that, in respect of each of those three countries, requests for territorial extension are possible at present (see, however, the next paragraph).

9. In the case of each international registration concerned for which a territorial extension has been requested under Rule 20 of the Regulations under the Madrid Agreement to Croatia or to Slovenia,* such territorial extension will be can-

celled if a request concerning the same country is received under the new Rule 38 (to the extent that the said request covers all the goods and services covered by the territorial extension), and the relevant amount of the fee paid will be refunded.

* The case cannot arise in connection with Ukraine since the date referred to in paragraph 4(iii) is prior to the date (September 21, 1992) on which Ukraine deposited its instrument of continuation.

Rule 38

Continuation of Effects of International Registrations in Certain Successor States

(1) Where any State ("the successor State") whose territory was, before the independence of that State, part of the territory of a contracting country ("the predecessor country") has deposited with the Director General of the World Intellectual Property Organization a declaration of continuation the effect of which is that the Agreement is applied by the successor State, the effects in the successor State of any international registration with a territorial extension to the predecessor country which is effective from a date prior to the date fixed under paragraph (2) shall be subject to the following conditions:

- (i) the filing with the International Bureau, within six months from the date of a notice addressed for that purpose by the International Bureau to the holder of the international registration concerned, of a request that such international registration continue its effects in the successor State; and
- (ii) the payment to the International Bureau, within the same time limit, of a fee of 22 Swiss francs, which shall be transferred by the International Bureau to

the national Office of the successor State, and of a fee of 40 Swiss francs for the benefit of the International Bureau.

(2) The date referred to in paragraph (1) shall be the date notified by the successor State to the International Bureau for the purposes of this Rule, provided that such date may not be earlier than the date of independence of the successor State.

(3) The International Bureau shall, upon receipt of the request and the fees referred to in paragraph (1), notify the national Office of the successor State and make the corresponding recordal in the International Register and the corresponding publication in *Les Marques internationales*.

(4) With respect to any international registration concerning which the Office of the successor State has received a notification under paragraph (3), that Office may only refuse protection if the time limit referred to in Article 5(2) has not expired with respect to the territorial extension to the predecessor country and if the notification of refusal is received by the International Bureau within that time limit.

(5) This Rule shall not apply to the Russian Federation.



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